



State of Utah

Department of Natural Resources

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Division of Oil, Gas & Mining

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April 12, 2005

Mr. Cliff Orton
Cobb, Strecker, Dunphy, and Zimmermann
5 Triad Center, Suite 340
Salt Lake City, Utah 84180

Subject: Bond Release Requirements, Worthington Landscape, S/035/025, Salt Lake County, Utah

Dear Mr. Orton:

The purpose of this letter is to clarify those conditions under which the Division of Oil, Gas and Mining (Division) will release a reclamation bond for a small mining operation. Reclamation standards are contained in rule R647-3-109, a copy of which is included with this letter.

Most mine sites are reclaimed to the premining land use which is commonly wildlife habitat and grazing. Where revegetation is required for the postmining land use, the rules require waiting three growing seasons before the Division can release the bond. The process is for the operator to request release and for the Division to inspect the site and ensure the standards have been met. We have done full or partial bond releases on many sites throughout the state.

If the postmining land use does not require revegetation, such as in the case of a commercial or residential development, there is no need to wait for three growing seasons before release can be given. In this case, the mine operator would need to request a variance from normal revegetation requirements and provide justification for the variance. For a housing development, justification would need to include approval of the development from the local government entity. Because this approval might not be available when the original Notice of Intention to Commence Small Mining Operations (NOI) is submitted, it might be necessary to approve the variance as an amendment to the NOI.

The primary consideration in evaluating the land use for a reclaimed site is ensuring that the site is "in a condition which is capable of supporting the

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postmining land use." Has trash been cleaned up? Is the site graded so the land use can be implemented? Are there hazards to the public? Is there any environmental degradation? Once these issues have been adequately addressed, the Division will release the bond. There is some administrative delay, but it is not a protracted process and usually takes between a few weeks and a few months if requested at a season when an inspection can be made.

I hope this letter will resolve the concerns about delays in releasing a reclamation bond. Please let me know if you have additional questions. I can be reached at 801-538-5258.

Sincerely,

A handwritten signature in black ink that reads "Susan M. White". The signature is fluid and cursive, with the first name "Susan" and last name "White" clearly legible.

Susan M. White
Mining Program Coordinator
Minerals Regulatory Program

SW:PBB:jb
Attachment: R647-3-109
O:\M035-SaltLake\S0350025-Worthington\final\ltr-orton-04122005.doc

R647-3-109. Reclamation Practices.

During reclamation, the operator shall conform to the following practices unless the Division grants a variance in writing:

1. Public Safety and Welfare - The operator shall minimize hazards to the public safety and welfare following completion of operations. Methods to minimize hazards shall include but not be limited to:

- 1.11. The permanent sealing of shafts and tunnels;
- 1.12. The disposal of trash, scrap metal and wood, buildings, extraneous debris, and other materials incident to mining;
- 1.13. The plugging of drill, core, or other exploratory holes as set forth in Rule R647-3-108;
- 1.14. The posting of appropriate warning signs in locations where public access to operations is readily available;
- 1.15. The construction of berms, fences and/or barriers above highwalls or other excavations when required by the

Division.

2. Drainages - If natural channels have been affected by mining operations, then reclamation must be performed such that the channels will be left in a stable condition with respect to actual and reasonably expected water flow so as to avoid or minimize future damage to the hydrologic system.

3. Erosion Control - Reclamation shall be conducted in a manner such that sediment from disturbed areas is adequately controlled. The degree of erosion control shall be appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality or other characteristics.

4. Deleterious Materials - All deleterious or potentially deleterious material shall be safely removed from the site or left in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.

5. Land Use - The operator shall leave the on-site area in a condition which is capable of supporting the postmining land use.

6. Slopes - Waste piles, spoil piles and fills shall be regraded to a stable configuration and shall be sloped to minimize safety hazards and erosion while providing for successful revegetation.

7. Highwalls - In surface mining and in open cuts for pads or roadways, highwalls shall be reclaimed and stabilized by backfilling against them or by cutting the wall back to achieve a slope angle of 45 degrees or less.

8. Roads and Pads - On-site roads and pads shall be reclaimed when they are no longer needed for operations. When a road or pad is to be turned over to the property owner or managing agency for continuing use, the operator shall turn over the property with adequate surface drainage structures and in a condition suitable for continued use.

9. Dams and Impoundments - Water impounding structures shall be reclaimed so as to be self-draining and mechanically stable unless shown to have sound hydrologic design and to be beneficial to the postmining land use.

10. Trenches and Pits - Trenches and small pits shall be reclaimed.

11. Structures and Equipment - Structures, rail lines, utility connections, equipment, and debris shall be buried or removed.

12. Topsoil Redistribution - After final grading, soil materials shall be redistributed on a stable surface, so as to minimize erosion, prevent undue compaction and promote revegetation.

13. Revegetation - The species seeded shall include adaptable perennial species that will grow on the site, provide basic soil and watershed protection, and support the postmining land use.

Revegetation shall be considered accomplished when:

13.11. The revegetation has achieved 70 percent of the premining vegetative ground cover. If the premining vegetative ground cover of the disturbed area is unknown, then the ground cover of an adjacent undisturbed area that is representative of the premining conditions will be used as a standard. Also, the vegetation has survived three growing seasons following the last seeding, fertilization or irrigation, unless such practices are to continue as part of the postmining land use; or

13.12. The Division determines that the revegetation work has been satisfactorily completed within practical limits; where reseeding has occurred and the vegetation has survived one growing season, the reseeded area shall not be included for purposes of determining whether a mining operation is a small mining operation.